

Attorney Docket No.: ABLE-0024
Inventors: Anthony C. Nichols
Serial No.: ~~10/733,706~~ 10/773,706
Filing Date: February 6, 2004
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REMARKS

Claims 1-54 are pending in the instant patent application. These claims have been subjected to the following Restriction Requirement:

Group I, claims 1-19 and 34, drawn to a system for selecting a brush for use in brushing a catheter lumen, classified in class 604, subclass 500;

Group II, claims 20-33, drawn to a method for removing debris from a catheter lumen, classified in class 604, subclass 500;

Group III, claims 35-44, drawn to a brush, classified in class 604, subclass 267; and

Group IV, claims 45-54, drawn to a method for treating an occluded catheter lumen, classified in class 604, subclass 500.

The Examiner suggests that Groups I-IV are distinct. In particular, the Examiner suggests that Groups I-IV are unrelated as the claims are drawn to different inventions having different designs, modes of operation and effects and are not disclosed as being capable of use together. Further, the Examiner suggests that there would be a serious search and examination burden if restriction were not required.

Applicant respectfully traverses this Restriction Requirement.

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Applicants respectfully disagree with the Examiner regarding the relatedness of the instant claims. In particular, with respect to Group I, claims 1-19 and 34 and Group III, claims 35-44, both Groups relate to a brush wherein the ratio of the head diameter to the widest cross-sectional internal dimension of the catheter lumen is greater than 1.0. The system of Group I is clearly used to identify the brush of Group III. Accordingly, such groups are clearly capable of use together. Further, Groups II and IV provide for methods of using such brushes and thus are also related to Groups I and III.

Further, MPEP 803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required.

Groups I, II and IV are all classified in the same class and subclass and Group III is classified in the same class. Accordingly, searching the prior art with respect to the brushes of Group III should reveal art relating to systems for their identification as set forth in Group I and methods of use as set forth in Groups II and IV. Thus, there does not appear to be a serious burden placed upon the Examiner if restriction were not made.

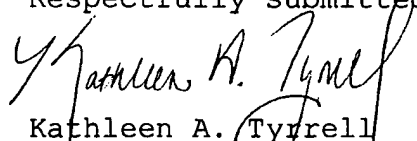
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Accordingly, reconsideration and withdrawal of this restriction requirement is respectfully requested.

However, in an earnest effort to be completely responsive, Applicant elects Group III, claims 35-44, with traverse.

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,


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